

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<hr/> JOHN L. BYARS, <div style="text-align:right">Plaintiff,</div> <div style="text-align:center">v.</div> <div>THE SCHOOL DISTRICT OF PHILADELPHIA, <u>ET AL.</u>, <div style="text-align:right">Defendants.</div></div> <hr/>	: : : : : : : : : : :	CIVIL ACTION No. 12-121
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ORDER

AND NOW, this 30th day of April, 2013, upon consideration of Defendants’ “Motion to Dismiss Plaintiff’s Complaint” (Doc. No. 42), the response, reply, sur-reply and supplemental briefings thereto, after oral argument, and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby **ORDERED** that the motion is **GRANTED** in part and **DENIED** in part as follows:

- Counts IV-V, IX-XII and XVI are **DISMISSED** in their entirety;
- The remaining state law claims (Counts I-III, VI-VIII and XVII) are **DISMISSED** against the School District of Philadelphia, the School Reform Commission, Archie, McGregor-Armbrister, Dworetzky and Irizarry;
- The remaining defamation claims (Counts I, III and VII) are **DISMISSED** against Ackerman;
- Count XIII is **DISMISSED** against the School District of Philadelphia, the School Reform Commission, Archie, McGregor-Armbrister, Dworetzky and Irizarry. Count XIII is also **DISMISSED** against Ackerman, Nunery and Matthews in their official capacity only;

- Counts XIV-XV are **STAYED** pending the outcome of Plaintiff's administrative appeal. The parties are directed to file a joint status report on **September 30, 2013** and every **sixty (60)** days thereafter;
- Plaintiff shall have twenty-one (21) days from the date of this Order to amend her Complaint as to Count V.

BY THE COURT:

/s/ Mitchell S. Goldberg

Mitchell S. Goldberg, J.